

DAI 2632  
Harman.6469

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Becker et al.

GROUP: 2632

SERIAL NO: 10/012,200

EXAMINER: B. Swarthout #12

FILED: November 13, 2001

FOR: A MULTIMEDIA UNIT HAVING MULTIPLE  
TRANSCIVERS FOR USE IN A VEHICLECommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450RECEIVED  
MAR 24 2006  
OFFICE OF PETITIONS

Sir:

## PETITION UNDER 37 C.F.R. §1.137(b)

The undersigned requests revival of the above identified unintentionally abandoned application.

On December 11, 2003 the undersigned attorney filed a Notice of Appeal in response to the Official Action dated September 11, 2003 and made final. However, as indicated on the notice of decision document dated March 17, 2006 the Notice of Appeal was defective since it failed to specifically identify each of the claims being appealed. Accordingly, a Corrected Notice of Appeal is enclosed herewith specifically identifying that the applicant is appealing the final rejection of claims 1-14. The first time that the undersigned attorney realized that the Notice of Appeal was defective was on March 20, 2006, when I read the decision on petition dated March 17, 2006 reporting that the Notice of Appeal was defective.

Following filing of the Notice of Appeal on December 11, 2003, on February 11, 2004 the

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date below, with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

03/23/2006 BABRAHA1 00000004 10012200

01 FC:1453

1500.00 OP

*Sarah L. Henry*  
Sarah L. Henry  
3/20/06  
Date

undersigned filed an Appeal Brief in triplicate and the necessary fee.

During the week of September 6, 2004 the undersigned called Examiner Swarthout asking what the status of this matter was since the undersigned had not received the Examiner's answer in response to filing of the Appeal Brief on February 11, 2004. In response to this call Examiner Swarthout left a voice mail for the undersigned reporting that he had not yet received the applicant's Appeal Brief. Examiner Swarthout never informed the undersigned that the Notice of Appeal was defective and the undersigned did not notice that the Notice of Appeal was defective for failure to properly identify the claims on appeal. In response to this interchange of voice mail messages between the undersigned and the Examiner, the undersigned sent Examiner Swarthout an e-mail message on September 15, 2004. A copy of the September 15, 2004 e-mail to Examiner Swarthout is attached as Exhibit A.

As shown in the e-mail attached as Exhibit A, the undersigned included a copy of the Appeal Brief, a copy of the transmittal letter that accompanied the appeal brief, a copy of the check and postcard that accompanied the appeal brief and a copy of the returned postcard bearing the stamp of the USPTO indicating receipt of these documents. The undersigned believed that this application was properly pending and that this matter was simply an instance that the Appeal Brief had not been matched with the file. Thus the undersigned sent a courtesy copy of the documents to the Examiner via the e-mail dated September 15, 2004.

On November 16, 2004 the USPTO issued a Notice of Abandonment.

On November 18, 2004 the undersigned filed a Request to Withdraw Holding of Abandonment believing that the Notice of Abandonment had been improperly issued. Along with the Request to Withdraw Holding of Abandonment, the undersigned Attorney submitted copies of the Appeal Brief and the accompanying documents to indicate that the Appeal Brief had indeed been

filed. Although boxes (1) and (1b) were checked off on the Notice of Abandonment, the Notice of Abandonment never stated that the Notice of Appeal was defective since it failed to specifically identify the claims on appeal. The undersigned was under the impression that the Notice of Abandonment was issued because the Appeal Brief had not been received by the Examiner and thus the final Official Action had not been completely responded to.

The undersigned never received a response from the USPTO following submittal of the Request to Withdraw Holding of Abandonment filed November 18, 2004.

On March 1, 2006 the undersigned filed a Second Request to Withdraw Holding of Abandonment.

On March 17, 2006 the USPTO issued a decision on petition denying withdrawal of the holding of abandonment on the grounds that the application had gone abandoned since the Notice of Appeal filed December 11, 2003 failed to properly identify the claims on appeal. The undersigned first realized on March 20, 2006 upon reading the decision on petition dated March 17, 2006 that the Notice of Appeal was defective. Accordingly, the present Petition to Revive per 37 C.F.R. §1.137(b) is now being filed.

The entire delay in filing the attached Corrected Notice of Appeal in response to the Official Action dated September 11, 2003 has been unintentional.

Enclosed herewith please find: (i) a Corrected Notice of Appeal, (b) a Change of Correspondence Address form and (iii) a check in the amount of \$1,500 for the petition fee.

Revival of the unintentionally abandoned application is respectfully requested.

The Commissioner is authorized to charge Deposit Order Account No. 50-3381 for any additional extension and/or fee that is required.

If a telephone interview could assist in the prosecution of this application, please call the undersigned attorney.

Respectfully submitted,

A handwritten signature in cursive script, reading "Patrick J. O'Shea", is written over a horizontal line.

Patrick J. O'Shea  
Reg. No. 35,305  
O'Shea, Getz & Kosakowski, P.C.  
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**Patrick J. O'Shea**

**From:** Patrick J. O'Shea  
**Sent:** Wednesday, September 15, 2004 4:27 PM  
**To:** 'brent.swarhout@uspto.gov'  
**Subject:** Serial No. 10/012,200

Examiner - as a follow-up to our exchange of voice mail messages last week in response to my inquiry, attached please find:

- (i) a copy of an Appeal Brief;
- (ii) a copy of a transmittal letter than accompanied the Appeal Brief;
- (iii) a copy of a check #14759 and postcard the accompanied the transmittal letter and Appeal Brief; and
- (iv) a copy of a returned postcard bearing the stamp of the USPTO indicating receipt of these items.

We filed this appeal brief on February 11, 2004 via first class mailing with a first class certificate of a mailing. These documents were received by the USPTO on February 13, 2004 as indicated by the returned post card. In addition, our records indicate that check #14759 in amount of \$330 that accompanied the appeal brief was cashed by the Office and cleared our bank on February 20, 2004.

Please let me know if you need any additional papers from me in order to get this matter on track. Regards.



Transmittal  
Letter.pdf (31 KB)...



Appeal Brief.pdf  
(250 KB)



Check and  
Postcard.pdf (45 KB)



Returned  
Postcard.pdf (17 KB)

Patrick J. O'Shea  
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Harman.6469

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Becker et al. GROUP: 2632  
SERIAL NO: 10/012,200 EXAMINER: B. Swarthout  
FILED: November 13, 2001  
FOR: A MULTIMEDIA UNIT HAVING MULTIPLE  
TRANSCIVERS FOR USE IN A VEHICLE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450


Sir:

TRANSMITTAL LETTER


Enclosed herewith are three copies of the appellant's appeal brief.

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MAR 24 2006  
OFFICE OF PETITIONS

Respectfully submitted,

  
Patrick J. O'Shea  
Registration No. 35,305  
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225 Franklin Street, Suite 3300  
Boston, Massachusetts 02110  
Telephone: (617) 426-9180  
Extension 121

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited on the date shown below in an envelope with sufficient postage for first class mail addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Tanya Bellanti  
2-11-04  
Date



# 13 Appeal Brief

Harman.6469

10/012,200

6/13/06  
TW

THE UNITED STATES PATENT AND TRADEMARK OFFICE

**APPLICANT:** Becker et al. **GROUP:** 2632  
**SERIAL NO:** 10/012,200 **EXAMINER:** B. Swarthout  
**FILED:** November 13, 2001  
**FOR:** A MULTIMEDIA UNIT HAVING MULTIPLE  
TRANSCIEVERS FOR USE IN A VEHICLE

Honorable Commissioner of Patents  
and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**APPEAL BRIEF**

This appeal is in response to the Official Action dated September 11, 2003, which has been made final. A check in the amount of \$330 is enclosed herewith pursuant to 37 C.F.R. §1.17(c).



Harman.6469  
10/012,200

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I. REAL PARTY OF INTEREST

The real party of interest is Becker GmbH of Karlsbad, Germany, currently of record as the assignee of the present invention. Becker GmbH is part of Harman International of California.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

III. STATUS OF CLAIMS

On December 11, 2003 the appellant appealed from the final rejection of claims 1-14 under 35 U.S.C. §103(a). These claims, as currently amended in Appendix A to correct a typographical error, are all the remaining claims in this application.

IV. STATUS OF AMENDMENTS

A proposed amendment to claims 1, 11 and 13 is enclosed in herewith in Appendix A to correct a latent typographical error. No other amendments have been filed subsequent to the final rejection.

V. SUMMARY OF THE INVENTION

A multimedia system for use in a motor vehicle includes a plurality of multimedia units that are connected in a ring-shaped data bus. At least one of the multimedia units includes at least two transceivers that are controlled by a network controller. Providing a network controller

for a multimedia unit having a *plurality* of transceivers relieves the processors of these units. From the point of view of the network, the transceivers of the multimedia unit no longer look like independent network subscribers. Rather, the network sees a non-intelligent node, which is controlled by an intelligent node.

## VI. ISSUES

Whether claims 1-14 are nonobvious over U.S. Patent 6,414,951 to Murakami (hereinafter "Murakami")

## VII. GROUPING OF THE CLAIMS

Since the rejection of all the remaining claims is the same, Appellant believes that all the remaining claims stand or fall together.

## VIII. ARGUMENT

Claim 1 recites a multimedia unit for use in a vehicle multimedia system that includes a plurality of multimedia units connected to a ring-shaped bus. The multimedia unit comprises:

"a plurality of transceiver units configured to communicate over the ring-shaped bus, wherein said multimedia unit includes a network controller that controls the communication of said plurality of transceiver units over the ring-shaped bus."  
(emphasis added, cl. 1).

As set forth in claim 1, the multimedia unit includes a *plurality of transceiver units*, and each of the transceiver units is controlled by a network controller. In contrast, Murakami discloses that a single network controller controls a single associated transceiver. For example, FIG. 2 of Murakami illustrates that the node N1 includes only a single transceiver, which includes receiver

11 and transmitter 29. A fair and proper reading of Murakami reveals that this prior art reference neither discloses nor suggests a multimedia unit as recited in claim 1, which includes: (i) a plurality of transceivers and (ii) a network controller, *wherein the network controller controls the communication of the plurality of transceiver units over the ring-shaped bus.*

The Official Action contends "*Murakami discloses a vehicle multimedia system (col. 7, line 3) including plural multimedia units (col. 7, lines 29-36), each multimedia unit comprising plural node, comprising first and second transceiver units 11/29 for receiving incoming signals and outputting signals in the ring network, and transmission means for sending signals to supervisory controller 7 (col. 12, lines 24-38).*" (Official Action, pg. 2). This rejection is premised on an overly broad and incorrect construction of the subject matter disclosed Murakami.

Each node of Murakami (e.g., node N1 as shown in FIGs. 1-2) includes only a single transceiver. Murakami discloses that "11" is a frame reception unit and "29" is a frame transmission unit (see FIG. 2 of Murakami). Units 11 and 29 are not individual transceivers. A transceiver unit includes both a transmitter and a receiver. The rejection set forth in the Official Action is misconstruing the plain and ordinary meaning of the term transceiver, since the Official Action is construing reception unit 11 as a transceiver and transmission unit 29 as a transceiver. A fair and ordinary reading of Murakami reveals that each node (see FIGs. 1-2 of Murakami) includes only one transceiver, and not a plurality of transceivers as recited in claim 1. *not claimed*

Claim 11 recites a motor vehicle multimedia system, which includes:

"a ring-shaped data bus; and  
a plurality of multimedia units connected to the ring-shaped bus, at least one of said multimedia units comprises a plurality of transceiver units and a network controller, wherein said multimedia units are configured and arranged to communicate over said ring-shaped bus and said network controller controls the

communication of its associated said plurality of transceiver units over said ring-shaped bus." (emphasis added, cl. 11).

As set forth above with respect to claim 1, Murakami neither discloses nor suggests a multimedia unit that includes a plurality of transceiver units, wherein each of the plurality of transceiver units communicates over the ring-shaped bus. Murakami is also incapable of rendering claim 11 obvious.

Claim 13 is patentable for at least all the reasons set forth above.

**CONCLUSION**

For all the foregoing reasons, we submit that the rejection of claim 1-14 is erroneous and reversal thereof is respectfully requested.

If there are any fees due in connection with the filing of this appeal brief, please charge them to our Deposit Account 19-0079. If a fee is required for any extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should be charged to the above Deposit Account.

Respectfully submitted,



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(617) 426-9180, Ext. 121

## CLAIMS

1 1.(Currently Amended) A multimedia unit for use in a vehicle multimedia system that  
2 includes a plurality of multimedia units connected to a ring-shaped bus, said multimedia unit  
3 comprising a plurality of ~~a~~ transceiver units configured to communicate over the ring-shaped bus,  
4 wherein said multimedia unit includes a network controller that controls the communication of  
5 said plurality of transceiver units over the ring-shaped bus.

1 2.(Previously Amended) The multimedia unit of claim 1, wherein said plurality of  
2 transceivers are configured and arranged to communicate over a ring-shaped Media Oriented  
3 Systems Transport bus.

1 3.(Original) The multimedia unit of claim 2, wherein the multimedia unit is configured as a  
2 radio receiver.

1 4.(Original) The multimedia unit of claim 2, wherein the multimedia unit is configured as a  
2 television set.

1 5.(Original) The multimedia unit of claim 2, wherein the multimedia unit is configured as a  
2 CD player.

1 6.(Original) The multimedia unit of claim 2, wherein the multimedia unit is configured as a  
2 DVD player.

1 7.(Original) The multimedia unit of claim 2, wherein the multimedia unit is configured as a  
2 disk changer.

1 8.(Original) The multimedia unit of claim 2, wherein the multimedia unit is configured as a  
2 cassette recorder.

1 9.(Original) The multimedia unit of claim 2, wherein the multimedia unit is configured as a  
2 navigation system.

1 10.(Original) The multimedia unit of claim 2, wherein the multimedia unit is configured as a  
2 multimedia network operating and control unit.

1 11.(Currently Amended) A motor vehicle multimedia system, comprising:  
2 a ring-shaped data bus; and  
3 a plurality of multimedia units connected to said ring-shaped bus, at least one of said  
4 multimedia units comprises a plurality ~~a~~of transceiver units and a network controller, wherein  
5 said multimedia units are configured and arranged to communicate over said ring-shaped bus and  
6 said network controller controls the communication of its associated said plurality of transceiver  
7 units over said ring-shaped bus.

1 12.(Previously Amended) The motor vehicle multimedia system of claim 11, wherein said  
2 ring-shaped data bus is configured and arranged as a Media Oriented Systems Transport bus.

1 13.(Currently Amended) A motor vehicle multimedia system, comprising:  
2 a data bus; and  
3 a plurality of multimedia units each connected to said data bus, and at least one of said  
4 multimedia units comprises a plurality ~~a~~of transceiver units and a network controller, wherein

5 said multimedia units are configured and arranged to communicate over said shaped bus and said  
6 network controller controls the communication of its associated said plurality of transceiver units  
7 over said data bus.

1 14.(Previously Added) The motor vehicle multimedia system of claim 13, wherein said  
2 data bus is configured and arranged as a Media Oriented Systems Transport bus.



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MEMBER FDIC

14759

**SAMUELS, GAUTHIER & STEVENS LLP**225 FRANKLIN STREET - SUITE 3300  
BOSTON, MASS. 02110

5-7017/2110

2/11/2004

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SECURITY FEATURES INCLUDED. DETAILS ON BACK.

⑈014759⑈ ⑈211070175⑈ 1107848420⑈

Mailed on February 11, 2004

Westphal.6469

Enclosed please find the following in re:

U.S. Patent Appln. Serial No. 10/012,200

A MULTIMEDIA UNIT HAVING MULTIPLE TRANSCIVERS  
FOR USE IN A VEHICLEThis Paper Was  
Received By PTO On:

- 1) Appeal Brief (in triplicate)
- 2) \$330.00 check
- 3) Transmittal Letter

On:

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FEB 19 2004

GAUTHIER &amp; CONNORS LL

